

Motion prepared by and presented by:  
Bruce Gilbert McCutcheon, pro se  
in care of: 163 Main Street South  
St. George, UT [84770]  
509-730-5465

FILED IN THE  
UNITED STATES  
BANKRUPTCY COURT  
2011 JUL -8 AM 9:51  
DISTRICT OF UTAH

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
SOUTHERN DIVISION

IN RE:

BRUCE GILBERT MCCUTCHEON  
LISA DIANE MCCUTCHEON

**as Debtors,**

No. 11-27943

## Chapter 7

**MOTION FOR ORDER IN CONTEMPT – FRBP 9020**

**No oral argument requested, though not refused**

**DEBTORS' MOTION FOR CONTEMPT – FRBP 9020 against:  
“PHH MORTGAGE CORPORATION” and “LUNDBERG & ASSOCIATES  
etcetera all, Attorneys for Plaintiff,” hereinafter ; Defendant Libelees**

**We move this court for an order or judgment against the above-named Defendant Libelees, as allowed by law, for contempt of this court. For the following reasons:**

**1- Defendant/Libelees are in violation of “the automatic stay” that went into effect on 31 June, 2011.**

**2- Such violation of “the automatic stay” are attempts to cause a deficiency in equity from the established equitable value in the accounts receivable due to United States Federal Bankruptcy Trust Property found in this instant matter.**

**3- Such violation of “the automatic stay” are a direct violation of law and are found as perpetrating a Constructive Fraud upon the State Court of Utah.**

**4- Such violation of “the automatic stay” are evidence of a certain detriment and harm to the Public Trust and Law of The Land.**

**5- Such violation of “the automatic stay” are a direct deprivation of rights as are granted, reserved and guaranteed McCutcheon family etcetera all being Libelants hereof.**

**This motion is supported by the attached proof, supporting declaration, and:**

**Grounds for this Motion**

Attached is a true copy of Defendant / Libelees' “REQUEST TO SUBMIT FOR DECISION” filed in a state court as well as the preceding “MOTION TO DISMISS” filed in same court, ostensibly mailed by a defendant on 7 June 2010. The subject matter of the suit is the listed property and home, and the substantial equity in accounts receivable being a sum certain amount of FIVE MILLION THREE HUNDRED FORTY FIVE THOUSAND SIX HUNDRED (5,345,600.00) DOLLARS coin specie due the subject estate by “**PHH MORTGAGE CORPORATION**” and

**“LUNDBERG & ASSOCIATES etcetera all, Attorneys for Plaintiff,”** who are in fact, the known Defendant Libelees of record as evidenced by NOTICE OF DEFAULT IN DISHONOUR / CONSENT TO JUDGEMENT found on the Washington County Utah Recorder Office as Doc# 20110001352

That Lundberg & Associates are aware of this bankruptcy proceeding is self-evident “Appearance of Counsel” filed with this court on July 1<sup>st</sup>. (see OBJECTION TO CLAIM )

Ignorance of the law is no excuse for Sworn Officers of the Court, whereas there is no immunity in matters of rights secured by the Constitution for the United States of America See: Title 42 USC §1983 Federal Tort Claims Act exception for unconstitutional acts, RICO, as well as 18 USC §§ 241 /242. Defendant Libelees by their appearance as counsel, do claim as representing a “FEDERAL NATIONAL” fictional entity, are thus subject to all FEDERAL and or NATIONAL laws.

#### Declaration

Regarding NOTICE OF DEFAULT IN DISHONOUR / CONSENT TO JUDGEMENT found on the Washington County Utah Recorder Office as Doc# 20110001352, the factual substance and liability of which was accepted and is uncontrovertibly held by libelees all since 20 December of 2010, and the revision to that uncontroverted Bill being Notary Presentment #7006 2150 0004 0508 2275, it being a Bill issued by Libellant McCutcheon and accepted on 9 May, 2011 being wholly uncontroverted, by Defendant Libelees, is now held by them without recourse for a substantive liability in the sum certain amount of NINE MILLION FIVE HUNDRED FIFTY FIVE THOUSAND TWO HUNDRED (9,555,200.00) DOLLARS, all equitable substance and consideration

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thereof are now and were then, an equitable portion of this certain bankruptcy estate when the stay was violated by these same Libelees.

As the record shows, the Defendant Libelees have been afforded abundant opportunity to establish standing as a creditor but have not done so. It is clear that being educated Officers of The Court, that if they did have such standing apart from representative fraud, they would have done so.

If any man can provide substantive reason to show how the Debtor Libelees have been acting honourably and lawfully where the law finds they have from the inception of the facts of record on this instant matter, had a duty to respond, but have not, let him do so now or forever hold his peace,

Whereas due to the fact that the Supreme Court has a certain opinion regarding deception and failure to respond: <<“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading...This sort of deception will not be tolerated and if this is the 'routine' it should be corrected immediately.”>> [U. S. v. Tweel, 550 F.2d 297, 299 (1977), emphasis added] [quoting U.S. v. Prudden, 424 F.2d 1021, 1032 (1970)]  
Carmin v. Bowen, 64 A. 932.,

Whereas any substantive and actual bona fide document in verified affidavit of truth that rebuts or otherwise fully controverts Defendant Libelees self determined status hereof in actual standing determined and

indelibly established by the Consent to Judgement as in Document # 20110001352, such affidavit would need fully controvert all points and need be brought to light here now under oath whilst standing on full commercial liability by the claimant, or be forever relinquished in and by estoppel res judicata.

### Supporting Memorandum

We see FRBP 9020 provides this court with authority to conduct contempt proceedings. See also Mountain America Credit Union v. Skinner (In re Skinner), 917 F.2d 444 (10th Cir. 1990) (holding that a bankruptcy court had the authority to enter a civil contempt order for violation of an automatic stay and affirmed the bankruptcy court's award of monetary sanctions).

Bankruptcy law must be construed liberally to accord debtors the full measure of the relief afforded by Congress, which here should start with 11 U.S.C.A. § 362(a). See Wright v. Union Central life Insurance Company, 304 U.S. 502 (1938).

**THIS COURT ALSO HAS THE AUTHORITY TO GRANT INJUNCTIVE RELIEF UNDER 11 U.S.C.A. § 105(A), WHICH ALLOWS THIS COURT TO "ISSUE ANY ORDER, PROCESS, OR JUDGMENT THAT IS NECESSARY OR APPROPRIATE TO CARRY OUT THE PROVISIONS OF [THE BANKRUPTCY CODE]." UNDER § 105(A) THIS COURT MAY ENJOIN AN ACTION AGAINST A NON-DEBTOR, EFFECTIVELY EXTENDING THE AUTOMATIC STAY TO ACTIONS (EVEN BEYOND THOSE SUBJECT TO § 362(A)) THAT "THREATEN THE INTEGRITY OF A BANKRUPT'S ESTATE." THE U.S. SUPREME COURT HAS HELD THAT COURTS HAVE THE DISCRETION, BUT NOT THE OBLIGATION, TO RAISE ON THEIR OWN INITIATIVE**

**CERTAIN NON-JURISDICTIONAL BARRIERS TO SUIT. SEE DAY V. MCDONOUGH, 547 U. S. 198, 202, 209 (2006) (STATUTE OF LIMITATIONS) AND GRANBERRY V. GREER, 481 U. S. 129, 134 (1987) (HABEAS CORPUS PETITIONER'S EXHAUSTION OF STATE REMEDIES).**

**RELIEF REQUESTED**

That this court find these Defendant Libelees in contempt and order appropriate sanctions, including monetary sanctions.

We expressly reserve all our God given rights by birthright and the right to amend or supplement this Motion in part or all as we may deem necessary Nunc Pro Tunc.

We also reserve our right to have this Motion construed so as to do justice according to FRCP 8(e) and all other applicable law.

We know that the Holy Scriptures are the word of God, all law comes from God, we know that we live in times that try mens souls, we are here to do what is right in the sight of our Heavenly Father as required of our conscience, we will not settle for or accept anything less, ever ∞

Submitted by the light of truth with all rights ordained reserved∞

The Sixth day of July, In the year of our Lord Twenty Eleven, we sign our acknowledgement of His authority in all things and in this matter of Truth and Justice.

  
.....  
Bruce Gilbert McCutcheon, pro se

  
.....  
Lisa Diane McCutcheon, pro se

Richard Gunnerson (USB No. 10862)  
Brad G. DeHaan (USB No. 8168)  
Brigham Lundberg (USB No. 12583)  
LUNDBERG & ASSOCIATES  
Attorneys for Plaintiff  
3269 South Main, Suite 100  
Salt Lake City, Utah 84115  
Telephone: (801) 263-3400

L&A Case No. 11-09135/GA

FIFTH JUDICIAL DISTRICT COURT, ST. GEORGE DEPARTMENT  
WASHINGTON COUNTY, STATE OF UTAH

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

LISA D. MCCUTCHEON, BRUCE G.  
MCCUTCHEON, GENERAL MINISTERS  
OFFICE FOR LIBELLANT-MCCUTCHEON  
ESTATE, PENNY O'NEAL-GILLIAM AND  
JOHN/JANE DOES 1-V,

Defendants.

REQUEST TO SUBMIT FOR DECISION

Civil No. 110501281

Judge James L. Shumate

Pursuant to Rule 7, Utah Rules of Civil Procedure, Plaintiff PHH Mortgage Corporation requests that its Motion to Dismiss (the "Motion") be submitted for decision. The pleadings filed in connection with the Motion are as follows:

1. Plaintiff's Motion to Dismiss Defendants' Counterclaim filed on June 9, 2011.

2. Plaintiff's Memorandum in Support of Motion to Dismiss Defendants'

Counterclaim filed on June 9, 2011.

3. No opposing memoranda or responses have been received. Therefore, Plaintiff requests that the Motion be submitted for decision.

DATED this 21 day of June, 2011.

LUNDBERG & ASSOCIATES



*In violation  
of Automatic  
stay*

Richard Gunnerson (USB No. 10812)  
Brad G. DeHaan (USB No. 8168)  
Brigham Lundberg (USB No. 12583).  
LUNDBERG & ASSOCIATES  
Attorneys for Plaintiff  
3269 South Main, Suite 100  
Salt Lake City, Utah 84115  
Telephone: (801) 263-3400

L&A Case No. 11-09135/GA

*Notice: Motion in  
Contempt of United  
States Bankruptcy Court  
is filed 7 July 11*

FIFTH JUDICIAL DISTRICT COURT, ST. GEORGE DEPARTMENT  
WASHINGTON COUNTY, STATE OF UTAH

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

LISA D. MCCUTCHEON, BRUCE G.  
MCCUTCHEON, GENERAL MINISTERS  
OFFICE FOR LIBELLANT-MCCUTCHEON  
ESTATE, PENNY O'NEAL-GILLIAM AND  
JOHN/JANE DOES 1-V,

Defendants.

MOTION TO DISMISS DEFENDANTS  
GENERAL MINISTERS OFFICE FOR  
LIBELLANT-MCCUTCHEON ESTATE,  
LISA D. MCCUTCHEON AND BRUCE G.  
MCCUTCHEON'S COUNTERCLAIM

Civil No. 110501281

Judge James L. Shumate

Plaintiff PHH Mortgage Corporation, through counsel, moves the Court to dismiss Defendants' Counterclaim, with prejudice, for failure to state a claim upon which relief may be granted. A memorandum of points and authorities in support of this motion is filed herewith.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2011.

BY THE COURT:

\_\_\_\_\_  
District Court Judge

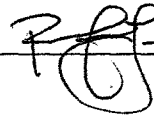
**CERTIFICATE OF MAILING**

The undersigned certifies that on the 29 day of June, 2011 a copy of the foregoing Order was mailed to the following:

General Minister's Office  
for Libellant-McCutcheon Estate  
Defendant  
163 S Main Street  
St. George, UT 84770

Bruce G. McCutcheon  
Defendant  
163 S Main Street  
St. George, UT 84770

Lisa D. McCutcheon  
Defendant  
163 S Main Street  
St. George, UT 84770

  
\_\_\_\_\_

Richard Gunnerson (USB No. 10862)  
Brad G. DeHaan (USB No. 8168)  
Brigham Lundberg (USB No. 12583)  
LUNDBERG & ASSOCIATES  
Attorneys for Plaintiff  
3269 South Main, Suite 100  
Salt Lake City, Utah 84115  
Telephone: (801) 263-3400

L&A Case No. 11-09135/GA

FIFTH JUDICIAL DISTRICT COURT, ST. GEORGE DEPARTMENT  
WASHINGTON COUNTY, STATE OF UTAH

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

LISA D. MCCUTCHEON, BRUCE G.  
MCCUTCHEON, GENERAL MINISTERS  
OFFICE FOR LIBELLANT-MCCUTCHEON  
ESTATE, PENNY O'NEAL-GILLIAM AND  
JOHN/JANE DOES 1-V,

Defendants.

MEMORANDUM IN SUPPORT OF  
MOTION TO DISMISS DEFENDANTS  
GENERAL MINISTERS OFFICE FOR  
LIBELLANT-MCCUTCHEON ESTATE,  
LISA D. MCCUTCHEON AND BRUCE G.  
MCCUTCHEON'S COUNTERCLAIM

Civil No. 110501281

Judge James L. Shumate

Plaintiff PHH Mortgage Corporation, by and through counsel of record, submits this

Memorandum in Support of Motion to Dismiss.

### STATEMENT OF FACTS

1. On October 29, 2007, Defendants Lisa D. McCutcheon and Bruce G. McCutcheon,

Richard Gunnerson (USB No. 10862)  
Brad G. DeHaan (USB No. 8168)  
Brigham Lundberg (USB No. 12583)  
LUNDBERG & ASSOCIATES  
Attorneys for Plaintiff  
3269 South Main, Suite 100  
Salt Lake City, Utah 84115  
Telephone: (801) 263-3400

L&A Case No. 11-09135/GA

FIFTH JUDICIAL DISTRICT COURT, ST. GEORGE DEPARTMENT  
WASHINGTON COUNTY, STATE OF UTAH

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

LISA D. MCCUTCHEON, BRUCE G.  
MCCUTCHEON, GENERAL MINISTERS  
OFFICE FOR LIBELLANT-MCCUTCHEON  
ESTATE, PENNY O'NEAL-GILLIAM AND  
JOHN/JANE DOES 1-V,

Defendants.

ORDER OF DISMISSAL

Civil No. 110501281

Judge James L. Shumate

Upon reviewing the pleadings, being otherwise fully advised in the premises and good cause appearing therefore; **IT IS HEREBY ORDERED:**

Defendants' claims against Plaintiff PHH Mortgage Corporation are hereby dismissed with prejudice.

NOTICE: Motion is  
CONTEMPT OF  
UNITED STATES  
Bankruptcy Court  
HAS BEEN FILED  
13th 11  
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